

# CITY OF CARLSBAD SOLE SOURCE AND EMERGENCY PROCUREMENT REQUEST AND DETERMINATION FORM

A sole source *determination* is not effective until the *sole source request for determination* has been posted for thirty (30) calendar days without challenge, and subsequently approved in writing by the Purchasing Manager. *A purchase order will not be issued and orders may not be placed until the sole source determination as been posted for a minimum of 15 days.*

I. Name of Company: ELM USA Date: 3/26/21

Please Check One: New Sole Source  Renewal of Existing Sole Source

Please Check One:  Product  Services  Product and Services

Type of Sole Source Requested: *(Please check the one that best describes the type of Sole Source you are requesting)*

**Company Sole Source** (Only one company can provide the goods or services)

**Brand Name Sole Source** (Only this brand will serve the intended purpose or function with existing equipment or systems, including software)

**Unique Professional Services** (Only one company or individual can provide this service due to the creative nature of the service or custom delivery of goods or services that are unique and subject to custom design and/or fabrication.

*\*\*Please note- True Professional Services under \$60,000 in value are considered a small purchase and does not require a sole source determination.*

**Proprietary Sole Source** (Only this company provides this product or service and only this company can provide after sale maintenance, repairs or service agreements)

**Local Sole Source** (Only one company exists to provide this product or service locally and due to the nature of the purchase, it is not feasible or reasonable to obtain the product or service from non-local sources. Only one local vendor is able to respond to the need in a timely manner due to local proximity)

Amount of Purchase \$ \$4045.00

II.  **Emergency Procurement Request**

**DEFINITION OF EMERGENCY CONDITIONS:**

An emergency condition is a situation which creates a threat to public health, welfare, safety or property such as may arise by reason of floods, epidemics, riots, equipment failures or similar events. The existence of the emergency condition creates an immediate and serious need for services, construction or items of tangible personal property that cannot be met through normal procurement methods and the lack of which would seriously threaten:

- A. the functioning of government;
- B. the preservation or protection of property; or
- C. the health or safety of any person.

Please provide a detailed explanation for why the purchase required meets the above definition of an Emergency Condition.

N/A

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\*\* The Emergency Determination will only be in effect as long as needed to alleviate the emergency conditions. Once the emergency condition has passed, regular procurement methods and procedures must be followed.

Amount of purchase: \$ \_\_\_\_\_

**Sole Source Determination**

III. Provide a detailed, sufficient explanation of the reasons, qualifications, proprietary rights or unique capabilities of the prospective contractor that makes the prospective contractor ***the one source*** capable of providing the required professional service, service, construction or item(s) of tangible personal property. (Please do not state the source is the “best” source or the “least costly” source. Those factors do not justify a “sole source.”)

This device is patented and is manufactured by ECO Disc Repair systems and is sold on a factory direct basis only. ELM USA is the only source to obtain this equipment.

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IV. Provide a detailed, sufficient explanation of how the professional service, service, construction or item(s) of tangible personal property is/are ***unique and how this uniqueness is substantially related to the intended purpose of the contract.***

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This equipment will be used to restore and/or repair cd's and dvd's that are checked out and used by the public at the public library.

- V. Explain why other similar professional services, services, construction or item(s) of tangible personal property *cannot* meet the intended purpose of the contract.

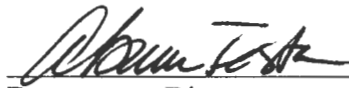
Only one company manufactures and sells this product on a factory direct basis. There is only one source to obtain this patented product from.

- VI. Provide a narrative of the due diligence used in determining the basis for the procurement, including a review of available sources and include Include a list of businesses contacted (*do not state that no other businesses were contacted*), date of contact, method of contact (telephone, mail, e-mail, other), and documentation demonstrating an explanation of why those businesses could not or would not, under any circumstances, provide the goods or services; or an explanation of why the department has determined that no businesses other than the prospective contractor can provide the goods or services requested.

Please see attache sole source letter from the manufacturer.


Certified by:

Date: 3/30/2021

  
\_\_\_\_\_  
Department Director

APPROVED:

Date: 4-14-21

  
\_\_\_\_\_  
Chief Procurement Officer

Authority to Proceed

- 1) the signature of the CPO on this form certifies the sole source has been posted for thirty (30) calendar days and has received no challenges;
- 2) the sole source is granted as of the date of signature by the State Purchasing Agent; and
- 3) the signature of the CPO on this form is the final signature required for this sole source procurement.



March 25, 2021

Ms. Sarah Jones  
Carlsbad Public Library  
101 S. Halagueno  
Carlsbad, NM 88220

**ECO AUTO-SMART**  
SOLE SOURCE DOCUMENTATION

Dear Ms. Jones:

This letter details the sole source nature of the fully automatic ECO AUTO-SMART disc repair equipment. ELM is the sole manufacturer of all ECO Disc Repair systems sold throughout the world. ELM markets this equipment on a factory direct basis only. We do not have any dealers or manufacturer's representatives who are authorized to sell or rent ECO products in the United States.

Patented, unique and exclusive features not found on any other disc repair machine:

- **Patented Micro-Abrasive Pads**
- **Flat Polishing Technology - allows for same disc repair of 20-25 times**
- **Fully automatic disc repair with 4-Stage Rotating Turret and Blu-ray repair capability**
- **Magnetic, color coded pad holders for simplistic operation**
- **Hand-finishing of discs - not required**
- **Liquid-cooled sanding technique - prevents disc overheating which leads to warping and rendering discs unplayable**

I hope you find this information to be helpful. Feel free to contact me with any questions. Thank you for the opportunity to be of service.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Rozner".

Michael Rozner  
Sales Manager



[www.elm-usa.com](http://www.elm-usa.com)

1609 Barclay Blvd., Buffalo Grove, IL 60089  
Phone: 847.243.4150 • Fax: 847.243.4155